

The 10 Minute Supervisor #1

Checklist: **Sexual Harassment**

Conservation districts need to step up their efforts to prevent sexual harassment in the workplace. Several allegations have surfaced recently. More intensive preparation by district boards might prevent new allegations from arising.

The bottom line is that every district supervisor must be committed to and voice a policy of **zero tolerance**. No exceptions. District boards are within their rights as an employer to expect and require that employees behave in accordance with the policy. The boards have the responsibility to ensure the workplace is monitored for adherence to the policy.

In preparation, District boards must do their homework to stay in step with the law. The following is a checklist of actions for board supervisors to take.

The basics...

- ☐ Adopt a policy against sexual harassment substantially like the Conservation Commission's policy (*see attachment*)
- ☐ Review the policy and the complaint or grievance procedure annually with board members, associate supervisors, and employees
- ☐ Provide adequate training to understand the policy (*a grant eligible expense*)

When allegations are made...

- ☐ Intervene in a timely and effective manner and monitor the situation
- ☐ Get professional assistance
- ☐ Maintain confidentiality to the extent permitted by law
- ☐ Never retaliate

Resources

Conservation Commission Field Reps

Washington Governmental Entity Pool (800-462-8418)

Human Rights Commission (800-223-3247)

District Legal Counsel

WACD (253-473-4999)

Training

Department of Personnel (Contact your field rep)

Human Rights Commission (800-223-3247)

Wade Conference June 18-20

5 Minute Online Video

<http://www.rctm.com/Need2KnowTrailer.html>

Private Consultants

Conservation District

ADMINISTRATIVE POLICY

POLICY AGAINST SEXUAL HARASSMENT

Purpose

This policy clearly states a commitment by the _____ Conservation District to prevent sexual harassment in the working environment, to establish guidelines for reporting sexual harassment, and to provide procedures for eliminating sexual harassment should it occur in violation of this policy.

Scope

This policy applies to the _____ Conservation District whenever an individual feels he or she has been the victim of sexual harassment. This includes District board members, associate supervisors, employees, volunteers, vendors, contractors, citizens and all others in contact with District board members, associate supervisors, or employees.

Definitions

Sexual harassment is a form of discrimination. It is behavior that is not welcome, is personally offensive, destroys morale and interferes with organizational effectiveness.

The Federal Equal Employment Opportunity Commission (Section 1604.11) defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when any one of three criteria is met:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
3. Such behavior has the purpose or effect of unreasonably interfering with an individual's work performance creating an intimidating, hostile or offensive work environment.

Sexual harassment can be in the form of verbal behavior such as unwanted sexual comments, suggestions, jokes, or requests for sexual favors; any non-verbal behavior, which may include gestures, leering, pictures, or cartoons; and physical behavior such as assault, molestation, touching, or repeated brushing against a person's body.

Policy

It is the policy of the _____ Conservation District to provide and maintain a working environment free from sexual harassment for its board members, associate supervisors, employees, volunteers, vendors, contractors, citizens and all others in contact with District board members, associate supervisors, and employees.

Sexual harassment is a form of sex discrimination and is an unlawful employment practice under Title VII of the federal Civil Rights Act of 1964 and Chapter 49.60 Revised Code of Washington (Washington State Law Against Discrimination).

Sexual harassment is misconduct that undermines the integrity and quality of the workplace and employment relationships. All individuals must be allowed to work in an environment free from unsolicited and unwelcome sexual overtones. Sexual harassment hurts morale and interferes with the work productivity of victims, coworkers and harassers.

The best tools for the elimination of sexual harassment are prevention through ongoing education, and timely, effective intervention.

The _____ Conservation District will take an affirmative role in:

- Eliminating sexual harassment from the work environment of its employees and from the delivery of services to its clients;
- Taking actions to protect its board members, associate supervisors, employees and clients from sexual harassment; and
- Responding quickly and effectively to observed or reported incidents of sexual harassment.

It is the responsibility of the District to:

- (a) Clearly communicate this policy to all District board members, associate supervisors, and employees;
- (b) Provide training to new board members, associate supervisors, and employees during the initial phase of their association with this District; and
- (c) Provide on-going training to District board members, associate supervisors, and employees.

The District shall also review this sexual harassment policy annually with District board members, associate supervisors, and employees.

Board members and employee supervisors shall address discriminatory behavior, including sexual harassment, that they observe or of which they become aware. Failure to do so may be grounds for disciplinary action, up to and including dismissal.

Every effort will be made to maintain confidentiality to protect both the complainant and the accused to the extent possible.

Retaliation against employees, clients, or other persons having business with the Conservation District who report sexual harassment will not be tolerated.

PROCEDURES

1. An individual who believes he or she is being sexually harassed by District board members, associate supervisors, employees, volunteers, contractors, clients, or people having business with the Conservation District should, if he or she feels comfortable, identify the offensive behavior to the individual and request that it stop.

If this resolves the situation to the satisfaction of the person who is feeling harassed, complaint procedures may stop at this point. However, if other people have observed and reported sexually harassing behavior, complaint steps have proceeded beyond this point.

The employee should immediately notify his or her supervisor. If the alleged harasser is the immediate supervisor, the employee should notify the supervisor's supervisor or any other supervisor or board member within the District.

2. An employee supervisor or board member who is notified of alleged sexual harassment will immediately document the complaint and report the matter to their supervisor.
3. The District board chair (or vice chair, if required by the situation) will cause an investigation of the allegations to be completed. The investigation procedures will depend upon the nature and extent of sexual harassment alleged and the context in which the alleged incidents occurred. Appropriate investigative procedures may include informal review or a formal investigation. Every effort will be made to complete the investigations in a timely manner. Upon completion of the investigation, a report of findings shall be made by the investigator to the board chair (or vice chair, if required by the situation).
4. Employees who are uncomfortable reporting sexual harassment to the _____ Conservation District may instead notify the Washington State Human Rights Commission or Equal Employment Opportunity Commission.

Washington State Human Rights Commission
402 Evergreen Plaza Building
711 South Capitol Way
Olympia, WA 98504-2490
(360) 753-6770

Equal Employment Opportunity Commission
909 1st Ave., Suite 400
Seattle, WA 98104-1061
(206) 220-6883

When filing a complaint with the Washington State Human Rights Commission or Federal Equal Employment Opportunity Commission, employees must comply with those agencies' timeframes. Filing an internal complaint with the _____ Conservation District will not extend the timeframes for filing a complaint with either the Human Rights Commission or the Equal Employment Opportunity Commission.

_____ Conservation District
Policy Against Sexual Harassment

5. A summary of the actions recommended by the investigation team will be provided to the person(s) making the complaint and the person(s) against whom the complaint was made. Once an investigation has been completed, the result is subject to appropriate Washington State laws on public disclosure (Chapter 42.17 Revised Code of Washington).
6. Individuals involved in an investigation and those who work in the same work area will cooperate to minimize disruption and stress in the work unit by refraining from unnecessary dissemination of information and speculation regarding the alleged acts under investigation. During the course of a sexual harassment investigation, information will be kept confidential to the extent possible under the law.
7. If sexual harassment is found to have occurred, the alleged harasser(s) has the right to know and respond to the charge(s) prior to any corrective or disciplinary action. The District board shall make the final decision regarding the complaint and determine any necessary corrective or disciplinary action. Corrective or disciplinary action may include, but is not limited to, suspension, demotion, reduction in pay or termination.
8. Anyone who files a sexual harassment complaint and all persons who provide information regarding the complaint are protected from retaliation by law and by this policy. Retaliation will not be tolerated.

Adopted by the _____ Conservation District at its _____ meeting held in _____, Washington.